

AMENDMENT UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/921,595

ATTORNEY DOCKET NO. A7949

REMARKS

Claims 1, 2, 4-27, and 35-39 are all the claims pending in the application. Claims 1 and 39 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Brown (U.S. Patent No. 6,381,577). Claims 2, 14, 15, 26, and 27 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Herren et al. (U.S. Patent No. 6,108,635) in view of Brown. Claims 4-13, 16-19, and 20-25 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Herren as applied to claim 2 and further in view of Linder et al. (U.S. Patent No. 6,681,003). Claims 37 and 38 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Brown as applied to claim 1, and further in view of Herren.

§ 102(e) (Brown) – Claims 1 and 39

With respect to claim 1, Applicant amends this claim, as indicated herein, and submits that Brown does not disclose or suggest at least, “wherein said plurality of different observations relate to data of an identical subject and are not obtained in response to a query,” as recited in amended claim 1. That is, Brown teaches that any data input is in response to a query provided by the server (“responses to the queries by the user” in examiner’s comments). Therefore, at least based on the foregoing, Applicant submits that Brown does not anticipate independent claim 1.

With respect to claim 39, Applicant submits that Brown does not disclose or suggest at least, “obtaining from a remote data source a third observation relating to said subject, the remote data source being a remote database,” as recited in claim 39. The Examiner alleges that the server 18 corresponds to the claimed “data engine”, and it appears that the Examiner believes that database 38 of Brown corresponds to the claimed “database”, however the Examiner has not identified which component of Brown allegedly corresponds to the claimed “remote data

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source.” At least because this claimed feature of claim 39 is not taught or suggested by Brown, Applicant submits that Brown does not anticipate claim 39.

§ 103(a) (Herren / Brown) – Claims 2, 14, 15, 26, and 27

With respect to independent claim 2, Applicant submits that neither Herren nor Brown, either alone or in combination, teaches or suggests at least, “based on said user profile, indicating to said client one or more matching clinical trials,” as recited in claim 2. The Examiner cites col. 10, lines 49-63 of Herren as allegedly satisfying the above-quoted feature of claim 2. However, the cited portions of Herren only describes that a Target Discovery Explorer 12 processes data and information from a Data/Information Source 20 and an Input/Output 18. There is no teaching or suggestion that one or more matching clinical trials are indicated to said client. At least based on the foregoing, we would argue that claim 2 is patentably distinguishable over the applied references, either alone or in combination. As always, we welcome any other comments you may have on the technical differences between this claim and the applied references.

Applicant submits that independent claims 14 and 26 are patentable at least based on similar reasons to those set forth above with respect to claim 2.

Applicant submits that dependent claims 15 and 27 are patentable at least by virtue of their respective dependencies from independent claims 14 and 26.

§ 103(a) (Herren / Linder) – Claims 4-13, 16-19, 20-25

Applicant submits that dependent claims 4-13 are patentable at least by virtue of their respective indirect or direct dependencies from independent claim 2. Dependent claims 16-19 and 20-25 are patentable at least by virtue of their respective indirect or direct dependency from independent claim 14.

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§ 103(a) (Brown / Herren) – Claims 37 and 38

With respect to dependent claim 37 and 38, first, Applicant submits that claims 37 and 38 are patentable at least by virtue of their ultimate dependency from independent claim 1.

Further, with respect to claims 37 and 38, Applicant submits that the “explorers” of Herren differ from the modules of claims 37 and 38. That is, FIG 2 in Herren shows each “explorer” as an independent application with a specific purpose, which refers to the context in which the data is collected or presented, such as a clinical trial or a disease management explorer, etc. These explorers access the same data repositories. The context of these “explorers” differs from the claimed modules. The claimed modules are NOT independent applications but can, for example, be combined into one application, while in Herren the explorers are different applications using the same data sources. Further, the claimed modules can, for example, be used for various types of information processing and presentation and can be put together in various combinations. In view of the foregoing, Applicant submits that claims 37 and 38 are patentably distinguishable over the applied references, either alone or in combination.

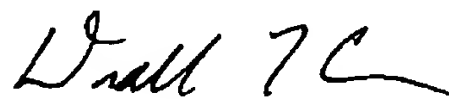
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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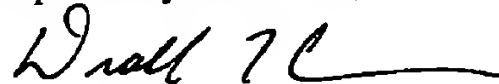
Date: December 15, 2005

CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Abdullahi Elmi SALAD at the Patent and Trademark Office on December 15, 2005 at 571-273-8300.

Respectfully submitted,



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